

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DERRICK HENRY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:20-CV-00124-MAB
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

BEATTY, Magistrate Judge:

This matter is before the Court on Plaintiff's First Motion for Attorney Fees. Plaintiff requests attorney fees in the amount of \$5,732.99 (Doc. 27). Plaintiff is not seeking any additional costs. Defendant has no objection (Doc. 28).

The Court finds that Plaintiff is the prevailing party and is entitled to an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d)(1)(B). The Court further finds that the agreed upon amount is reasonable and appropriate. This award shall fully and completely satisfy any and all claims for fees and expenses that may have been payable to Plaintiff in this matter pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412.

Plaintiff's First Motion for Attorney Fees (Doc. 27) is **GRANTED**. The Court awards Plaintiff attorney's fees and expenses in the amount of \$5,732.99 (five thousand seven hundred thirty-two dollars and ninety-nine cents).

The amount awarded is payable to Plaintiff and is subject to set-off for any debt

owed by Plaintiff to the United States, per *Astrue v. Ratliff*, 560 U.S. 586 (2010). See also, *Harrington v. Berryhill*, 906 F.3d 561 (7th Cir. 2018). However, any part of the award that is not subject to set-off to pay Plaintiff's pre-existing debt to the United States shall be made payable to Plaintiff's attorney pursuant to the EAJA assignment executed by Plaintiff (Doc. 27-5).

IT IS SO ORDERED.

DATED: December 28, 2020

s/ Mark A. Beatty
MARK A. BEATTY
United States Magistrate Judge